

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAILING

I hereby certify under 37 C.F.R. 1.10 that this correspondence is being deposited with the United States Postal Service as Express Mail Label No. EV 921126301 US with sufficient postage on the date indicated below and in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ If checked, two copies of this correspondence are enclosed.

Date of Deposit: 12/12/06

Signature

Dawn M. Janelle

Printed name of person mailing correspondence

Applicant: MORGAN, Barry A.

Art Unit: 1614

Serial No.: 10/712,081

Examiner: DELACROIX-
MUIRHEID, C.

Filed: November 13, 2003

Title: SOMATOSTATIN ANTAGONISTS

**FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
AND AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or
(First/Second submission after Final Rejection)
- ☐ under 37 CFR 1.97(b), or
(Whichever occurs last of the following: within three months of filing national application; within three months of date of entry of the national stage in international application; before the mailing date of first office action on the merits; or before the mailing of a first Office action after the filing of a request for continued examination)
- ☒ under 37 CFR 1.97(c) together with either:
- ☒ a Statement under 37 CFR 1.97(e), as checked below, or
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, and
- ☐ a Petition under 37 CFR 1.97(d)(2), and
- ☐ a \$130.00 petition fee set forth in 37 CFR 1.17(i).
(Filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)
- ☐ Applicant requests that the attached IDS and cited reference(s) [] be placed in the application filewrapper.
(Filed after payment of issue fee)
- ☒ All of the listed references were cited in a European Search Report in a counterpart European application or cited in a communication from a foreign patent office. **EXCEPT WHERE LINED THROUGH. /MA/**

- ☐ Enclosed herewith is form PTO/1449 (1 page; reproduced form), with a copy of each reference noted thereon.
- ☐ Enclosed herewith is form PTO/1449 (1 page; reproduced form), with a copy of selected references noted thereon. As per the change to 37 CFR 1.98(a)(2) published in the September 21, 2004 Federal Register and effective as of October 21, 2004, in which the requirement for a copy of each U.S. Patent or U.S. Patent application publication listed in an IDS has been eliminated regardless of the filing date of the application (unless required by the Office), copies of any United States Patent or Patent Publications are not enclosed.
- ☐ Copies of the reference(s) noted on the enclosed form PTO/1449 (N pages, reproduced form) were previously cited by or submitted to the Patent and Trademark Office in connection with U.S. Application Serial No. [], from which the present application claims benefit under 35 U.S.C. § 120 (37 C.F.R. 1.98(d)). Applicants request that copies of art in U.S. Application Serial No. [] cited on the enclosed PTO/1449 form be transferred to the present U.S. Application Serial No. [].

Concise Explanation Requirement (non-English references):

- ☐ The "concise explanation" requirement for reference(s) [] under 37 CFR 1.98(a)(3) is satisfied by:
- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | the explanation provided on the attached sheet. |
| <input type="checkbox"/> | the explanation provided in the Specification. |
| <input type="checkbox"/> | submission of the enclosed International Search Report. |
| <input checked="" type="checkbox"/> | the enclosed English language documents reasonably believed to be English equivalents. According to the citing Examiner, Reference AB is an English language equivalent for AA and AD is an English language equivalent for AC. |

It is requested that the information disclosed herein be made of record in this application, and that the references listed on the enclosed form PTO/SB/08B appear under the "References Cited" heading of any Patent which issues from this application, (MPEP 1302.12).

Statement Under 37 CFR 1.97(e):

- ☒ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Method of payment:

- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply.
- ☒ No fee is believed to be due for this submission. However Applicant(s) hereby authorize the Commissioner to charge any fees that may be deemed to be due or to credit any overpayment to Deposit Account No. 50-0590. Two copies of this Statement are enclosed.
- ☒ The Commissioner is hereby authorized to charge any deficiency in fees and credit any overpayment to Deposit Account 50-0590. Two copies of this Statement are enclosed.

Respectfully submitted,
BIOMEASURE, INCORPORATED

By Pamela C Ball
Pamela C. Ball, Agent for Applicant(s)
Registration No.: 53,963

Dated: 12/12/06
27 Maple Street
Milford, Massachusetts 01757
Phone: (508) 478-0144
Facsimile: (508) 473-3531



PTO-1449 REPRODUCED		ATTORNEY DOCKET NO. 041A-B/		APPLICATION NO. 10/712,081	
INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)		APPLICANT MORGAN, Barry A.			
		FILING DATE November 13, 2003		GROUP/EXAMINER 1614/DELACROIX- MUIRHEID, C.	
U.S. PATENT DOCUMENTS					
EXAM- INER INI- TIAL		DOCUMENT NUMBER	DATE	NAME	CLASS SUB- CLASS FILING DATE IF APPROPRIATE
FOREIGN PATENT DOCUMENTS					
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS SUB- CLASS TRANSLATION YES NO
/MA/	AA	62-61997	Mar. 18, 1987	Japan	X
/MA/	AB	0 215 171	Nov. 22, 1990	Europe	
/MA/	AC	62-116594	May 28, 1987	Japan	X
/MA/	AD	0 214 872	Mar. 18, 1987	Europe	
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)					
/MA/	AE	COY, D. H., et al., "Receptor-specific somatostatin analogs: Correlations with biological activity," Metabolism, 1996, 45(8):21-23.			
/MA/	AF	FRIED, J. L., et al., "Somatostatin antagonist analog increases GH, insulin, and glucagons release in the rat," Peptides, 1982, 3:811-814.			
/MA/	AG	SCHALLY, A. V., et al., "Somatostatin analogs as adjuncts to agonists of luteinizing hormone-releasing hormone in the treatment of experimental prostate cancer," PNAS, 1987, 84:7275-7279.			
EXAMINER		DATE CONSIDERED			
/Maury Audet/		03/17/2008			